

REMARKS

Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 4-12 are pending.

Claims 1-3 were previously cancelled without prejudice or disclaimer of the subject matter recited therein.

Claims 4, 7, 8, and 11 have been amended. The amendments to claims 4, 7, 8, and 11 were made to place the claims in better idiomatic English, were not made for reasons of patentability, and do not narrow the scope of the subject matter recited therein.

Claim 12 has been amended. Support for the amendments to claim 12 can be found in the Specification in paragraphs 0010.3, 13, and in Figure 1.

New claim 13 has been added. Support for new claim 13 can be found in the Specification in paragraphs 0011 and 0013.

No new matter has been added.

Allowable Subject Matter

Applicant appreciatively thanks the Examiner for the allowance of claims 8, 10, and 11. Applicant also appreciatively thanks the Examiner for the indication of allowable subject matter recited in dependent claim 7, but respectfully declines to amend claim 7 to be independent form until the Examiner has had the opportunity to consider Applicant's arguments presented herein relative to independent claim 4.

Rejections Under 35 U.S.C. §112

Claims 5, 9, and 12 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the rejection.

With respect to claims 5 and 9, the Examiner contends that the features of the digital radio transmission recited in claims 5 and 9 are not supported in the original disclosure as filed with the international application on April 7, 2000.

Applicant respectfully disagrees. Claims 5 and 9 recite "wherein the digital radio transmission is a type of broadcast transmission for which a digital radio mondiale system recommended by an international telecommunication union." Claims 5 and 9 recite a standard which has been recommended by an international telecommunication union such as the ITU. Thus, the type of broadcast transmission recited in claims 5 and 9 is merely a standard implemented by a standards-body, which Applicant submits has been in existence since March 1999. See, Specification, paragraphs 0001.1-0001.3.

With respect to claim 12, the Examiner contends that the feature of the backward channel recited in claim 12 is not supported in the original disclosure as filed with the international application on April 7, 2000.

Applicant respectfully submits that the original PCT application provides sufficient support for the backward channel recited in claim 12. Specifically, Applicant directs the Examiner's attention to paragraph 0013, which discusses automatic feedback for affecting the interrogation of quality data. Furthermore, claim 1 of the PCT application, as originally filed, discloses a receiver station evaluating quality data and transmitting the parameters to the broadcast transmitter. Thus, Applicant submits that the steps of "providing a backward channel to an AM transmitter for digital

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signals recited in a target area" and "using the backward channel to provide a high reception quality and coverage reliability" recited in claim 12 is an example of automatic feedback disclosed in the Specification and in the claims as originally filed.

Notwithstanding the above remarks, Applicant has amended independent claim 12 to recite "providing a feedback channel" in order to clarify the term "backward channel." Applicant submits that "a feedback channel" is supported by the original PCT specification, and therefore complies with the written description requirement.

In view of the above remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections to claims 5, 9 and 12 under 35 U.S.C. §112, first paragraph.

Rejections under 35 U.S.C. §103

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over International Publication No. WO 98/24201 to Laurent in view of U.S. Patent No. 4,309,771 to Wilkens. The Examiner contends that Laurent discloses "a system for digital radio broadcasting using an amplitude modulation (AM) transmitter in a shortwave range (col. 1, lines 9-15.)" (Detailed Action, page 3, Item 8, lines 1-3.) The Examiner contends that Laurent anticipates all of the features recited in claim 12, except for the backward channel. However, the Examiner contends that Wilkens discloses a feedback control loop which adjusts the transmitted power to maintain some preset transmission quality at the receiving end. The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Laurent and Wilkens to achieve the claimed invention.

Applicant has amended claim 12 to recite that the feedback channel provides "a high reception quality and coverage reliability by preselecting a stronger coding or modulation for the

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target area.” Applicant submits that this feature is neither disclosed, nor suggested, by the references. In contrast, Wilkens merely discloses changing the power output of an amplifier 14 to maintain the quality of the transmitted signal. See, Wilkens, col. 2, lines 27-31. In addition, Laurent fails to disclose or suggest preselection of a stronger coding or modulation for a signal for a target area.

Because each of Laurent and Wilkens fails to teach or suggest at least the above-recited feature of claim 12, a combination of these references, to the extent proper, could not render claim 12 unpatentable.

Applicant respectfully requests reconsideration and withdrawal of the rejection to claim 12 under 35 U.S.C. §103(a) based on Laurent in view of Wilkens.

Claims 4 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Laurent and Wilkens in view of the Examiner’s statement of obviousness. Applicant respectfully traverses the rejection.

The Examiner contends that Wilkens discloses “regulation of transmitter power in response to the received parameters (i.e., influencing modulation).” (Detailed Action, Item 10, page 4, lines 1-3.) Applicant respectfully disagrees.

Applicant submits that Wilkens fails to disclose or suggest “influencing at least one of a number of modulation states and a coding of the transmission using the transmitted corresponding parameter values,” as recited in independent claim 4. In contrast, Wilkens merely discloses regulation of the power output of amplifier 14 by increasing “the attenuation of the attenuator 41,

thus reducing the transmitted signal. The net result is to control the signal at receiver 43, causing it to dither within controllable limits about the lowest level." (Wilkens, col. 3, lines 13-20.)

Thus in Wilkens, there is no change to the modulation stage of the signal, or in the coding of the transmission. Instead, in Wilkens, the attenuation of the signal is increased to reduce the transmitted signal. See, Wilkens, col. 2, lines 29-31. Thus, Applicant submits that the mere changing of power output by the amplifier 14 is not the same as "influencing at least one of a number of modulation states and a coding of the transmission using the transmitted corresponding parameter values," as recited in independent claim 4. Nor do either of Laurent or Examiner's statement of obviousness teach or suggest the above-recited feature of claim 4. Because each of them is missing at least the above-recited feature of claim 4, it is respectfully submitted that a combination of Laurent, Wilkens, and the Examiner's statement of obviousness, to the extent proper, could not render independent claim 4 unpatentable.

Claim 6 depends from claim 4. Applicant submits that claim 6 is patentable for at least the same reasons as discussed above with respect to claim 4.

Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 4 and 6 under 35 U.S.C. §103(a) based on Laurent in view of Wilkens and Examiner's statement of obviousness.

New Claim

New claim 13 is directed to providing a high reception quality and coverage reliability by using alternative transmitting frequencies. Applicant submits that added claim 13 is patentable over the art of record.

CONCLUSION

Each and every point raised in the Office Action mailed September 1, 2006 has been addressed on the basis of the above remarks. In view of the foregoing it is believed that claims 4-13 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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